UNITED STATES PATENT AND TRADEMARK OFFICE

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7590 03/22/2006	NGUYEN, THUONG

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/044,195	SYED, MAJID
	Examiner	Art Unit	
	Thuong (Tina) T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2001</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/26/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on 1/17/06. Claims 1 and 19

were amended. Claims 37 and 38 were added. Claims 1-38 are pending. Claims 1-38

represent system for arbitrator system and method for national and local content

distribution.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim 1, 5, 8-9, 11, 13-19, 23, 26-27, 29, 31-38 are rejected under 35

U.S.C. 102(e) as being anticipated by Corts Patent No. 2002/0095228 A1.

Corts teaches the invention as claimed including system for implementing radio

commerce (see abstract).

4.   As to claim 1, Corts teaches a system, comprising:

a messaging protocol, said protocol comprising at least: priority indicators,

service categories, and service classes (page 8, paragraph 207; page 9, paragraph 218

and paragraph 233-239; page 14, paragraph 320; Corts discloses that the system

which produces the message protocol to identified the rules for various groups of data

such as timing, flow and occurrence; Corts also discloses the system to determine the

level of service plus specified the data category of the system);

an arbitrator, said arbitrator intelligently determining a relative value of specified

priority indicators, service categories, and service classes of data content entities from a

group of requesting content providers (page 12, paragraph 297; page 16, paragraph

338; Corts discloses that the system to determined rules, schedule decision and

activities based on the activity of the radio station);

a scheduler, said scheduler collecting and sequencing said data content for

broadcast based on said arbitrator determinations (page 9, paragraph 222; page 14,

paragraph 318; Corts discloses that the system for scheduling process by defining and

matching audience criteria of facilities in the network); and

an IBOC network broadcasting said data content as per said sequence (page 9,

paragraph 227; Corts discloses that the system which performs sequencing as listening

for requests from an IBOC devices).

5.   As to claim 5, Corts teaches the system as recited in claim 1, wherein said data

content is arbitrated based on a plurality of the following parameters: data content,

transmission requirements, data type, time, end user device requirements (page 10,

paragraph 241-249; Corts discloses that the system pertaining the parameters included

the start and end date of the datacast, frequency, times, cost, length of time and

location or position of the IBOC signal receiving device).

6.   As to claim 8, Corts teaches the system as recited in claim 1, wherein said

protocol includes message fields comprising a service operator code identifying said

data content provider (page 3, paragraph 39; page 5, paragraph 135; page 12, paragraph 312; page 16, paragraph 344; Corts discloses that the system to notifying a device that interacts with the data that has been transferred via the network station and uniquely identify the data; Corts also discloses that the system which help to identify datacast and monitoring the audio broadcast system, tracking of the selection content).

7.   As to claim 9, Corts teaches the system as recited in claim 1, wherein said protocol includes message fields comprising a destination address representing a broadcast, multicast, or unicast scenario (page 16, paragraph 338-339; Corts discloses that the system to identified the multiple station, broadcast, data which sent/or received through the network) .

8.   As to claim 11, Corts teaches the system as recited in claim 1, wherein said service categories comprise at least one, or a combination of: administrative, maintenance, advertisement, news (local, regional, national, international, sports, weather, traffic, emergency alert, stocks (local, national, regional, international), entertainment, travel entities, medical, multimedia, audio, logo, or text (page 7, paragraph 200; page 12, paragraph 294; Corts discloses that the system to categories independently for digital audio data and for various station content locations).

9.   As to claim 13, Corts teaches the system as recited in claim 1, wherein said message protocol further includes periodicity requirements (page 12, paragraph 298; Corts discloses that the system to determined a broadcast's schedule for each minute or hour and the limitation of the procedures for the entire datacast).

10.   As to claim 14, Corts teaches the system as recited in claim 1, wherein said message protocol further includes validity determinations including periods of validity (page 13, paragraph 307; Corts discloses that the system to determine the timeline of the datacast where 0 is the starting point and the end unit is the ending point).

11.   As to claim 15, Corts teaches the system as recited in claim 1, wherein said message protocol further includes time stamps of said specified data content (page 12, paragraph 290 and 299; Corts discloses that the system to specified the appropriate times and the decision base on the time period of the datacast).

12.   As to claim 16, Corts teaches the system as recited in claim 14, wherein said message protocol further includes periodicity requirements (page 12, paragraph 298; Corts discloses that the system to determined a broadcast's schedule for each minute or hour and the limitation of the procedures for the entire datacast).

13.   As to claim 17, Corts teaches the system as recited in claim 1, wherein said message protocol further includes geographic classifications (page 3, paragraph 38; page 7, paragraph 202; page 9, paragraph 225; Corts discloses that the system to track the content selection, action, perform and location of the broadcaster).

14.   As to claim 18, Corts teaches the system as recited in claim 1, wherein said message protocol further includes client display execution limitations (page 7, paragraph 203; Corts discloses that the system which describe the characteristics such as the length of time a piece of data should play for and the time in relation to the audio should not play).

15.   As to claim 19, Corts teaches a system, comprising:

one or more gateways arbitrating and scheduling first and second data content

levels, said first and second data content levels received from a plurality of operatively

connected data content providers (see figure 1; page 9, paragraph 226-227; Corts

discloses that the system of multiple of data content which operatively related to various

content providers);

a messaging protocol, said protocol comprising at least: priority indicators,

service categories, and service classes (page 8, paragraph 207; page 9, paragraph 218

and paragraph 233-239; page 14, paragraph 320; Corts discloses that the system

which produces the message protocol to identified the rules for various groups of data

such as timing, flow and occurrence; Corts also discloses the system to determine the

level of service plus specified the data category of the system);

an arbitrator, said arbitrator intelligently determining a relative value of specified

priority indicators, service categories, and service classes of data content entities from a

group of requesting content providers (page 12, paragraph 297; page 16, paragraph

338; Corts discloses that the system to determined rules, schedule decision and

activities based on the activity of the radio station);

a scheduler, said scheduler collecting and sequencing said data content for

broadcast based on said arbitrator determinations (page 9, paragraph 222; page 14,

paragraph 318; Corts discloses that the system for scheduling process by defining and

matching audience criteria of facilities in the network); and

an <u>in-band on-channel (IBOC)</u> network broadcasting said data content as per

said sequence (page 9, paragraph 227; Corts discloses that the system which performs

sequencing as listening for requests from an IBOC devices).

16.   As to claim 23, Corts teaches the system as recited in claim 19, wherein said

data content is arbitrated based on a plurality of the following parameters: data content,

transmission requirements, data type, time, end user device requirements (page 10,

paragraph 241-249; Corts discloses that the system pertaining the parameters included

the start and end date of the datacast, frequency, times, cost, length of time and

location or position of the IBOC signal receiving device).

17.   As to claim 26, Corts teaches the system as recited in claim 19, wherein said

protocol includes message fields comprising a service operator code identifying said

data content provider (page 3, paragraph 39; page 5, paragraph 135; page 12,

paragraph 312; page 16, paragraph 344; Corts discloses that the system to notifying a

device that interacts with the data that has been transferred via the network station and

uniquely identify the data; Corts also discloses that the system which help to identify

datacast and monitoring the audio broadcast system, tracking of the selection content).

18.   As to claim 27, Corts teaches the system as recited in claim 19, wherein said

protocol includes message fields comprising a destination address representing a

broadcast, multicast, or unicast scenario (page 16, paragraph 338-339; Corts discloses

that the system to identified the multiple station, broadcast, data which sent/or received

through the network) .

19.   As to claim 29, Corts teaches the system as recited in claim 19, wherein said

service categories comprise at least one, or a combination of: administrative,

maintenance, advertisement, news (local, regional, national, international, sports,

weather, traffic, emergency alert, stocks (local, national, regional, international),

entertainment, travel entities, medical, multimedia, audio, logo, or text (page 7,

paragraph 200; page 12, paragraph 294; Corts discloses that the system to categories

independently for digital audio data and for various station content locations).

20.   As to claim 31, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes periodicity requirements (page 12, paragraph 298;

Corts discloses that the system to determined a broadcast's schedule for each minute

or hour and the limitation of the procedures for the entire datacast).

21.   As to claim 32, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes validity determinations including periods of validity

(page 13, paragraph 307; Corts discloses that the system to determine the timeline of

the datacast where 0 is the starting point and the end unit is the ending point).

22.   As to claim 33, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes time stamps of said specified data content (page 12,

paragraph 290 and 299; Corts discloses that the system to specified the appropriate

times and the decision base on the time period of the datacast).

23.   As to claim 34, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes periodicity requirements (page 12, paragraph 298;

Corts discloses that the system to determined a broadcast's schedule for each minute

or hour and the limitation of the procedures for the entire datacast).

24.   As to claim 35, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes geographic classifications (page 3, paragraph 38;

page 7, paragraph 202; page 9, paragraph 225; Corts discloses that the system to track

the content selection, action, perform and location of the broadcaster).

25.   As to claim 36, Corts teaches the system as recited in claim 19, wherein said

message protocol further includes client display execution limitations (page 7,

paragraph 203; Corts discloses that the system which describe the characteristics such

as the length of time a piece of data should play for and the time in relation to the audio

should not play).

26.   As to claim 37, Corts teaches a method comprising:

determining a relative value of specified priority indicators, service categories,

and service classes of a messaging protocol for said data content (page 8, paragraph

207; page 9, paragraph 218 and paragraph 233-239; page 14, paragraph 320; Corts

discloses that the method which produces the message protocol to identified the rules

for various groups of data such as timing, flow and occurrence; Corts also discloses the

method to determine the level of service plus specified the data category of the system);

collecting and sequencing said data content for broadcast based on said relative

value generated in said determining step (page 9, paragraph 222; page 14, paragraph

318; Corts discloses that the method for scheduling process by defining and matching

audience criteria of facilities in the network); and

communicating said data content over an in-band on-channel (IBOC) network as

per the sequence of said scheduling step (page 1, paragraph 7; page 9, paragraph 227;

Corts discloses that the method which performs sequencing as listening for requests

from an IBOC devices; Corts also discloses that the method of creating schedule data

for broadcast and identified the characteristic of the data).

27.   As to claim 38, Corts teaches a system, comprising:

a computer processor (figure 4; It's obvious to include a computer processor in

the system to perform what was describe in Corts's system); and

a memory, wherein the computer processor is configured to execute the steps of:

determining a relative value of specified priority indicators, service categories,

and service classes of a messaging protocol for data content (page 8, paragraph 207;

page 9, paragraph 218 and paragraph 233-239; page 14, paragraph 320; Corts

discloses that the system which produces the message protocol to identified the rules

for various groups of data such as timing, flow and occurrence; Corts also discloses the

system to determine the level of service plus specified the data category of the system);

collecting and sequencing said data content for broadcast based on said relative

value generated in said determining step (page 9, paragraph 222; page 14, paragraph

318; Corts discloses that the system for scheduling process by defining and matching

audience criteria of facilities in the network); and

communicating said data content over an in-band on-channel (IBOC) network as

per the sequence of said scheduling step (page 1, paragraph 7; page 9, paragraph 227;

Corts discloses that the system which performs sequencing as listening for requests

from an IBOC devices; Corts also discloses that the system of creating schedule data

for broadcast and identified the characteristic of the data).

Claim Rejections - 35 USC § 103

28.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29.   Claims 2, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Corts in view of Beyda et al., U.S. Patent No. 5,935,218.

Corts teaches the invention as claimed including system for implementing radio

commerce (see abstract).

30.   As to claim 2, Corts teaches the system as recited in claim 1. But Corts fails to

teach the limitation wherein said system comprises a hierarchy of gateways, one or

more first level gateways arbitrating and scheduling a first data content level and one or

more second level gateways operatively connected to said first level gateway(s) and

arbitrating and scheduling a second data content level.

However, Beyda teaches the invention substantially as claimed including method

and apparatus for bus network prioritization using the broadcast of delay time to lower

priority users from high priority users in a token or loop network (see abstract).

Beyda teaches the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level (see figure 2, member 100; col 3, lines 4-10; 13-18; 28-32; Beyda discloses that the system that perform tasks which can be priority into two set, high priority and low priority users. Beyda also discloses that they chart which show the sequence steps taken by high priority and low priority to utilize a computer network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Beyda so that the system could behave in hierarchy functionality. One would be motivated to do so have two set of gateway, which would operate separately to speed up the system.

31.   As to claim 20, Corts teaches the system of claim 19 as recited. But Corts fails to teach the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level.

However, Beyda teaches the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level (see figure 2, member 100; col 3, lines 4-10; 13-18; 28-32; Beyda discloses that the

system that perform tasks which can be priority into two set, high priority and low priority

users. Beyda also discloses that they chart which show the sequence steps taken by

high priority and low priority to utilize a computer network).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Beyda so that the system could

behave in hierarchy functionality. One would be motivated to do so have two set of

gateway, which would operate separately to speed up the system.

32.   Claims 3-4, 7, 10, 21-22, 25, 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Corts in view of Voit et al., U.S. Patent No. 2002/0044567 A1.

Corts teaches the invention as claimed including system for implementing radio

commerce (see abstract).

33.   As to claim 3, Corts teaches the system as recited in claim 1. But Corts fails to

teach the limitation wherein said one or more first level gateways arbitrating and

scheduling a first data content level comprise at least a central gateway receiving

requests from a plurality of national/international content providers.

However, Voit teaches the invention substantially as claimed including an

automatic programming of customer premises equipment for vertical services

integration (see abstract).

Voit teaches the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from a plurality of national/international content providers (page 12, paragraph 125; page 15, table 2; Voit discloses that the system which content plurality national/international content provider).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Voit so that the system would behave as a hierarchy network, central gateway to level gateway. One would be motivated to do so to have a system function hierarchy but also can received request from all around the world.

34.   As to claim 4, Corts teaches the system of claim 1 as recited. But Corts fails to teach the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers.

However, Voit teaches the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers (page 12, paragraph 126; page 15, table 2; Voit discloses that the system for receiving and buffering ATM cells until it's recognized a complete frame for multiple content providers).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Voit so that the system could receive request from different places in the world. One would be motivated to do so to improve the functionality of the system.

35.   As to claim 7, Corts teaches the system of claim 1 as recited. But Corts fails to

teach the limitation wherein said priority indicators comprise one or more of the

following fields: level of service, bit rate requirements, latency grades, or best effort

required.

However, Voit teaches the limitation wherein said priority indicators comprise one

or more of the following fields: level of service, bit rate requirements, latency grades, or

best effort required (page 11, paragraph 115, 117 and 118; Voit discloses that the

system which cable of prioritize traffic base on the weighted fair queuing, priority

queuing. It also performs base on measuring and monitoring the physical rate

limitations).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Voit so that the system could

behave correctly base on the pre-set limitations. One would be motivated to do so to

have a system which functions different fields such as level of service, bit rate

requirement and latency grades.

36.   As to claim 10, Corts teaches the system of claim 1 as recited. But Corts fails to

teach the limitation wherein said service classes comprise at least basic, preferred, or

premium.

However, Voit teaches the limitation wherein said service classes comprise at

least basic, preferred, or premium (page 11, paragraph 115; Voit discloses that the

system with the algorithms selected to implement QoS and SLAs, lowest priority level).

It would have been obvious to one of ordinary skill in the art at the time of the invention to.modify the combination of Corts in view of Voit so that the system could behave correctly base on the set limitation. One would be motivated to do so to improve the performance of the system by setting the prioritized for different service classes.

37.   As to claim 21, Corts teaches the system of claim 19 as recited. But Corts fails to teach the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from a plurality of national/international content providers.

However, Voit teaches the invention substantially as claimed including an automatic programming of customer premises equipment for vertical services integration (see abstract). Voit teaches the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from a plurality of national/international content providers (page 12, paragraph 125; page 15, table 2; Voit discloses that the system which content plurality national/international content provider).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Voit so that the system would behave as a hierarchy network, central gateway to level gateway. One would be motivated to do so to have a system function hierarchy but also can received request from all around the world.

38.   As to claim 22, Corts teaches the system of claim 19 as recited. But Corts fails

to teach the limitation wherein said one or more second level gateways receive requests

from a plurality of local content providers.

However, Voit teaches the limitation wherein said one or more second level

gateways receive requests from a plurality of local content providers (page 12,

paragraph 126; page 15, table 2; Voit discloses that the system for receiving and

buffering ATM cells until it's recognized a complete frame for multiple content

providers).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Voit so that the system could

receive request from different places in the world. One would be motivated to do so to

improve the functionality of the system.

39.   As to claim 25, Corts teaches the system of claim 19 as recited. But Corts fails

to teach the limitation wherein said priority indicators comprise one or more of the

following fields: level of service, bit rate requirements, latency grades, or best effort

required.   However, Voit teaches the limitation wherein said priority indicators

comprise one or more of the following fields: level of service, bit rate requirements,

latency grades, or best effort required (page 11, paragraph 115, 117 and 118; Voit

discloses that the system which cable of prioritize traffic base on the weighted fair

queuing, priority queuing. It also performs base on measuring and monitoring the

physical rate limitations).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Voit so that the system could behave correctly base on the pre-set limitations. One would be motivated to do so to have a system which functions different fields such as level of service, bit rate requirement and latency grades.

40.   As to claim 28, Corts teaches the system of claim 19 as recited. But Corts fails to teach the limitation wherein said service classes comprise at least basic, preferred, or premium.

However, Voit teaches the limitation wherein said service classes comprise at least basic, preferred, or premium (page 11, paragraph 115; Voit discloses that the system with the algorithms selected to implement QoS and SLAs, lowest priority level).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Corts in view of Voit so that the system could behave correctly base on the set limitation. One would be motivated to do so to improve the performance of the system by setting the prioritized for different service classes.

41.   Claims 6, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corts in view of Solondz et al., U.S. Patent No. 5,615,249.

Corts teaches the invention as claimed including system for implementing radio commerce (see abstract).

42.   As to claim 6, Corts teaches the system as recited in claim 1. But Corts fails to

teach the limitation wherein said data content is prioritized, based on said priority

indicators, as one of the following: extreme high priority for immediate data

transmission, high priority for transmission at earliest opportunity, normal according to

requested repetition rate, and background/low for transmission in slots left free after

transmission of messages of extreme high priority, high priority, and normal priority.

However, Solondz teaches the invention substantially as claimed including

service prioritization in a cellular telephone system (see abstract).

Solondz teaches the limitation wherein said data content is prioritized, based on

said priority indicators, as one of the following: extreme high priority for immediate data

transmission, high priority for transmission at earliest opportunity, normal according to

requested repetition rate, and background/low for transmission in slots left free after

transmission of messages of extreme high priority, high priority, and normal priority (col

2, lines 43 – col 3, lines 10; Solondz discloses that the system which behave base on

the service of priority levels, priority service, premium service, normal service, basic

service and economy service).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Solondz so that the system could

have the data content prioritized as planed. One would be motivated to do so to speed

up the system and well organized .

43.   As to claim 24, Corts teaches the system of claim 19 as recited. But Corts fails

to teach the limitation wherein said data content is prioritized, based on said priority

indicators, as one of the following: extreme high priority for immediate data

transmission, high priority for transmission at earliest opportunity, normal according to

requested repetition rate, and background/low for transmission in slots left free after

transmission of messages of extreme high priority, high priority, and normal priority.

However, Solondz teaches the limitation wherein said data content is prioritized,

based on said priority indicators, as one of the following: extreme high priority for

immediate data transmission, high priority for transmission at earliest opportunity,

normal according to requested repetition rate, and background/low for transmission in

slots left free after transmission of messages of extreme high priority, high priority, and

normal priority (col 2, lines 43 – col 3, lines 10; Solondz discloses that the system which

behave base on the service of priority levels, priority service, premium service, normal

service, basic service and economy service).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Solondz so that the system could

have the data content prioritized as planed. One would be motivated to do so to speed

up the system and well organized .

44.   Claims 12, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Corts in view of Gross et al., U.S. Patent No. 6,782,510 B1.

Corts teaches the invention as claimed including system for implementing radio

commerce (see abstract).

45.   As to claim 12, Corts teaches the system as recited in claim 1. But Corts fails to

teach the limitation wherein said message protocol further includes language filtration

identifiers.

However, Gross teaches the invention substantially as claimed including word

checking tool for controlline the language content in documents using dictionaries with

modifyable status fields (see abstract).

Gross teaches the limitation wherein said message protocol further includes

language filtration identifiers (col 7, lines 30-56; Gross discloses that the system for

filtering the language identification base on the pre-determination set).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Gross so that the system could

identified the language. One would be motivated to do so to improve the system. One

of the advantages is to identify the language.

46.   As to claim 30, Corts teaches the system of claim 19 as recited. But Corts fails

to teach the limitation wherein said message protocol further includes language filtration

identifiers.

However, Gross teaches the limitation wherein said message protocol further

includes language filtration identifiers (col 7, lines 30-56; Gross discloses that the

system for filtering the language identification base on the pre-determination set).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Corts in view of Gross so that the system could

identified the language. One would be motivated to do so to improve the system. One

of the advantages is to identify the language.

Response to Arguments

Applicant's arguments filed 1/17/06 have been fully considered but they are not

persuasive. In response to Applicant's argument, the Patent Office maintains the

rejection. In the remarks, the applicant argues in substance that; A) Corts does not

disclose a messaging protocol including priority indicators as recited; B) Beyda does not

disclose the claimed hierarchy of gateway for arbitrating and scheduling respective data

content levels.

In response to A); Corts discloses that the method of inserting the schedule

parameters, broadcast rules, timing, level of data, acceptance level of service... which

would be characterized accordingly to the presentation elements. Therefore, the priority

indicator could be one of the criteria accordingly to the presentation data as requested

from the message .

In response to B); Beyda discloses that the method of categorized the priority of

users which instruct the low priority users to wait for a specific amount of time and high

priority users are able to use the data as soon as possible. Therefore, the hierarchy structure does apply to the specific users with low or high priorities.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Thuong (Tina) Nguyen
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